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DATE: JUNE 12, 2002

TO: ROSEMARY SMITH / Acting Associate General Counsel
202-219-3923 FEL.

FROM: BOB SCHIFF

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Congress of the United States
Washington, DC 20510

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July 12, 2002

VIA FAX and E-MAIL

Ms. Rosemary C. Smith
Assistant General Counsel
Federal Election Commission
Washington, DC 204630

Re: Notice 2002-9

Dear Ms. Smith:

We appreciate the opportunity to comment on the Commission's proposed rules to reorganize the regulations on "contribution" and "expenditure," published in the Federal Register at 67 Fed. Reg. 40881 (June 14, 2002).

It is sensible for the Commission to undertake this reorganization as part of its effort to make its regulations more "user friendly." This particular effort, however, is premature because, as the Commission recognizes in the preamble to the proposed rules, the final regulations on the soft money ban of the Bipartisan Campaign Reform Act ("BCRA") that the Commission will formally promulgate in the next week or so will likely have an impact on these revised rules. The proposed rule indicates that the final rule will take account of any such impact, but following that process means that there will be no opportunity for public comment on any conforming changes that the Commission and its staff deem necessary.

Although some of this effort is merely ministerial, there are significant substantive issues implicated by the definitions of "contribution" and "expenditure." These are very important terms in the FECA, and it is worth spending additional time to make sure that the reorganized regulations accurately reflect the new campaign finance reform statute.

We believe, therefore, that the more appropriate course would be to reissue a Notice of Proposed Rulemaking *after* making whatever changes to the regulations become necessary as a result of the final soft money regulations that the Commission is about to issue. That way all interested parties will be able to review and comment on the reorganization proposal in its completed form.

We appreciate the Commission's consideration of our views in this matter.

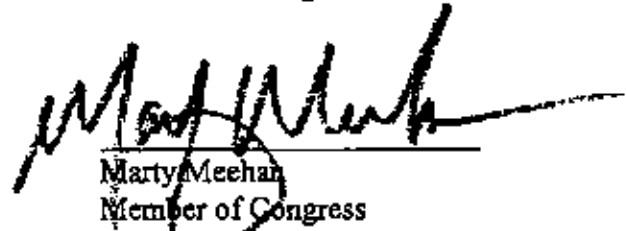
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Sincerely,


John McCain
United States Senate


Russell D. Feingold
United States Senate


Christopher Shays
Member of Congress


Marty Meehan
Member of Congress